

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

Plaintiff Ernest Draper, appearing *pro se*, brought this action pursuant 42 U.S.C. § 1983. On November 27, 2018, U.S. Magistrate Judge Gary M. Purcell issued a Report and Recommendation recommending that plaintiff's action be dismissed without prejudice based on his failure to pay the filing fee, otherwise prosecute this action, and comply with the court's orders. Plaintiff was advised of his right to object to the Report and Recommendation by December 17, 2018. No objection has been filed. Plaintiff, therefore, has waived his right to appellate review of the factual and legal issues addressed in the report. Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #10] and **DISMISSES** this case without prejudice based upon plaintiff's failure to pay the filing fee, otherwise prosecute this action, and comply with the court's orders.

IT IS SO ORDERED.

Dated this 28th day of December, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE